

REMARKS

Claims 1-35 are pending in the present application. Claims 6-10 are canceled herein. Claim 1 is amended herein. Support for this amendment can be found in claims 1-10 as originally filed and throughout the specification. No new matter is believed to be added by these amendments. Therefore, Applicants respectfully request entry and consideration of these amendments.

The Office Action requires restriction to one of the following seven groups of claims:

- Group I: Claims 1-5, drawn to a method of identifying an anti-angiogenic compound comprising containing a transgenic zebrafish that expresses a reporter protein in blood vessels with a test compound and determining if it reduces blood vessel growth compared to controls, classified in class 800, subclass 3.
- Group II: Claims 6-10 drawn to a method of identifying a pro-angiogenic compound comprising containing a transgenic zebrafish that expresses a reporter protein in blood vessels with a test compound and determining if it increases blood vessel growth compared to controls, classified in class 800, subclass 3.
- Group III: Claims 11-15, drawn to a method of identifying a blood vessel related gene that is involved in blood vessel growth comprising a zebrafish with an altered blood vessel related gene with that of a control and determine if the blood vessel related gene is involved in blood vessel growth, classified in class 800, subclass 3.
- Group IV: Claims 15-20, drawn to a method of identifying a pro-angiogenic blood vessel related gene that modulates an anti-angiogenic compound in genetically altered zebrafish, classified in class 800, subclass 3.

Group V: Claims 21-25, drawn to a method of identifying an anti-angiogenic blood vessel related gene that modulates a pro-angiogenic compound in genetically altered zebrafish, classified in class 800, subclass 3.

Group VI: Claims 26-30, drawn to a method of identifying a pro-angiogenic compound that modulates the effects of an anti-angiogenic blood vessel relates gene in genetically altered zebrafish, classified in class 800, subclass 3.

Group VII: Claims 31-35, drawn to a method of identifying an anti-angiogenic compound that modulates the effects of a pro-angiogenic blood vessel relates gene in genetically altered zebrafish, classified in class 800, subclass 3.

As required in response to the Restriction Requirement, Applicant provisionally elects Group III (claims 11-15) with traverse. Applicants respectfully request that the entire restriction requirement be reconsidered because the Examiner has not shown that a serious burden would be required to examine all the claims. M.P.E.P. § 803 provides:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions. (*Emphasis added.*)

Thus, for a restriction requirement to be proper, the Examiner must satisfy the following two criteria: (1) the existence of independent and distinct inventions (35 U.S.C. § 121); and (2) that the search and examination of the entire application cannot be made without serious burden. Applicants respectfully assert that the Examiner has not shown that the second requirement has been met, on the basis that the Examiner has not shown that it would be a serious burden to search and examine all of the claims together.

Applicants respectfully point out that Groups I-VII are all classified in class 800, subclass 3. Since all groups are classified in the same class and subclass, it is unclear as to why all of the groups would not be examined together since the search should be coextensive. Thus, Applicants believe that it would not be a serious burden on the Examiner to search and examine the claims of all of the groups together. In particular, Applicants believe that it would not be unreasonable to modify the restriction requirement to include examination of the claims of Group I with those of Group III.

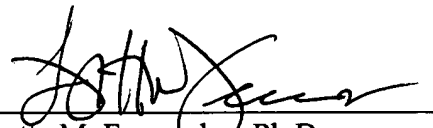
For the reasons stated above, Applicant respectfully asserts that restriction of the claims as set forth by the Examiner would be contrary to promoting efficiency, economy and expediency in the Patent Office and further point out that restriction by the Examiner is discretionary (M.P.E.P. § 803.01). Thus, applicants respectfully request reconsideration and modification or withdrawal of the restriction requirement.

Applicant also wishes to remind the Examiner of the guidelines for rejoinder of claims as set forth in M.P.E.P. § 821.04, as they apply to the pending claims of the instant application.

ATTORNEY DOCKET NO. 26007.0003U2
APPLICATION NO. 10/730,209

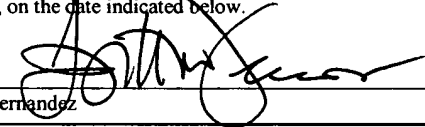
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Respectfully submitted,
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